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February 17, 2023

Via ECF

Hon. Cecelia G. Morris
United States Bankruptcy Court
355 Main Street
Poughkeepsie, New York 12601-3315

Re: *In re Fairfield Sentry Ltd. (In Liquidation)*, Adversary Proceeding Nos. 10-3635, 10-3636

Dear Judge Morris:

We write on behalf of the Fairfield Liquidators to update the Court regarding the Liquidators' motion for sanctions ("Sanctions Motion") against Banque Internationale à Luxembourg SA (*f/k/a* Dexia Banque Internationale à Luxembourg) ("BIL"), filed in the above-referenced actions on January 20, 2023. *See* 10-ap-3635, Dkt. 1000-1; 10-ap-3636, Dkt. 1083-1. The Liquidators submitted their Sanctions Motion subject to a pending Joint Motion to Seal filed concurrently therewith.

In their Joint Motion to Seal, the parties requested that the Court seal the Sanctions Motion and several accompanying exhibits pursuant to the Protective Orders in these cases, because the Sanctions Motion referred to two types of "Confidential" material: *first*, documents designated "Confidential" by the producing party, and *second*, the transcript of the Rule 30(b)(6) deposition (the "Deposition Transcript"), taken on December 14, 2022, because the Sanctions Motion was filed within the window during which the transcript was treated as presumptively "Confidential" under the terms of the protective orders entered in these cases. 10-ap-3635, Dkt. 849 ¶ 9; 10-ap-3636, Dkt. 918 ¶ 9. The period during which the Deposition Transcript was to be treated as presumptively "Confidential" expired on January 23, 2023, without either party designating any portion of the transcript "Confidential."

On February 16, 2023, the Liquidators notified counsel for BIL of their intent to contact the Court and provided a version of the Deposition Transcript that it proposed to submit to the Court that redacts only testimony relating to documents that had been designated as Confidential. Counsel for BIL requested that one additional portion of testimony be designated as Confidential and redacted from the publicly-filed version of the deposition transcript. Reserving all rights to later challenge all of the confidentiality

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designations, the Liquidators agreed to BIL's request. Both parties thus agree that there is no longer a need for the entirety of the Sanctions Motion or the Deposition Transcript to be maintained under seal.

Accordingly, the Liquidators submit as Exhibit A herewith a copy of the Liquidators' Sanctions Motion with redactions relating only to documents and testimony designated by BIL or third parties as "Confidential." The Liquidators also submit as Exhibit B herewith a copy of the Deposition Transcript, with redactions relating only to documents and testimony designated by BIL or third parties as "Confidential."

Respectfully submitted,

A handwritten signature in black ink, reading "David S. Flugman". The signature is written in a cursive, flowing style.

David S. Flugman